UNITED STATES PATENT AND TRADEMARK OFFICE

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10/797,683	03/09/2004	Ronald S. Cok	87649RRS	4906

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3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/797,683	COK, RONALD S.
	Examiner	Art Unit	
	Paul A. D'Agostino	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-28 and 40-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-28 and 40-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 December 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This responds to applicant's Arguments/Remarks filed 12/11/2007. Claims 1, 4-

28, and 40-43 have been amended. Claims 2, 3 and 29-39 have been cancelled.

Claims 1, 4-28, and 40-43 are pending.

Response to Amendment

1.   This acknowledges applicant's revised drawings filed on 12/11/2007.

2.   Examiner appreciates applicant's perception that the previous Office Action

rejecting Claim 13 instead of Claim 12 was an administrative error. Applicant's has

corrected Claim 12. The rejection of Claim 12 is withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4-7, 9-12, 14, 16-17, 20-22, and 40-41 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in

view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski).

In Reference to Claims 1 and 40

Tajiri discloses a system {and method for operating an interactive display system} comprising a plurality of interactive display devices (Fig. 1 "portable game machine" 20 and plurality, 2 or more, as in Figs. 2 and 5-7 and "two image-display game devices Col. 2 Lines 19-20 and among multiple players Col. 8 Lines 10-22), each device being associated with a single local character (Fig. 9) and having (i) local character interaction data (Fig. 9 step S3-S7, (ii) at least one local character image (Fig. 9 step S2) and a result of an interaction ("captured pokemans, those generated from pokeman couples, and those traded with other players are used to have battles with other player's pokemans" Col. 11 Lines 45-47), said each device comprising:

a) a display (Fig. 1 "liquid crystal display" 27);

b) a non-volatile memory (Fig. 2 "non-volatile memory" 11) having in which the local character interaction data, the local character image, and image content depicting a character the local character sequences (discussed more below) are stored therein (system performs this function; Fig. 3 ROM and program, image data, Pokeman data, Sound data, Pokeman Appearance, Zone map, and Miscellaneous Storage Regions I11-117);

c) a communication circuit adapted to transmit interaction data to another of the plurality of interactive display devices and to receive interaction data from said other interactive display device ("CPU" 23, "interface" 28 and "connector" 29); and

d) a display controller adapted to determine modified interaction data based at least in part upon received interaction data, to cause the display to present the

combined character image sequence ("display controller" 26; system performs these functions, Col. 10 Lines 40-47), and to store the modified interaction data in the non-volatile memory (system performs this function, Col. 13 Lines 14-20).

However, Tajiri discloses the result of character interaction but is silent on the display of a local character image sequence and to form a combined character image sequence based at least in part upon the modified interaction data and the stored image content.

Kruszewski teaches of displaying a character interaction sequence for on-screen animation of digital entities and forming combined character image sequences based at least in part upon the modified interaction data and the stored image content and a system with controller ([0020], Fig. 13A-C, and Fig. 16 and system 500) whereby when characters interact e.g., in a battle embodiment "If the attack is successful, then the target character plays its dying animation sequence that corresponds to how it was attacked. For example, if a character was killed via an upper weapon attack it will play its upwards dying sequence, and if the attack was a lower weapon attack, it will play its downwards dying sequence." [0360] in order to provide an improved method and system for on-screen animation of digital entities [0019].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the character image sequence, combined character image formation, and system as taught by Kruszewski into the teachings of Tajiiri in order to provide an improved method and system for on-screen animation of digital entities.

In Reference to Claims 4-7 and 9-12, 14, and 17

Tajiri, as modified by Kruszewski, discloses the system of Claim 1 including a

transducer (Fig. 6 "infrared transmitter/receivers" 16) for exchanging data using a

wireless communication path (Col. 9 Lines 43-54), a physical communication path (Fig.

5 "cable" 40), a removable memory ("flash" memory Col. 6 Lines 31-32), a user input

system (Fig. 1 "operation switches" 22) and wherein interaction data is entered using

the user input system ("switch 22a used to move a cursor and direct any character

available for the player in desired directions" col. 9 Lines 7-9), at least one of character

identification, character attributes, and character status ("pokeman data region 113

stores property data for distinguishing every pokeman by name, kind, height, weight,

habitat..." Col. 6 Lines 49-53), at least one of modified character identification, modified

character attributes, and modified character status ("Once a pokeman is captured.., the

current kit point (HP), experience point, level, state, technique, ability, and the like, are

written into the areas 120 to 128, respectively." and Fig. 4), a user input system (Fig. 1

"switches" 22) having a transducer (Fig. 2 "communications circuit" 16 and CPU 23) for

converting a user input action into a signal that can be used by the display controller to

determine personalization information ("the player actuates operation switches 22a and

22b to store his/her name or nickname" Col. 8 Lines 6-9), at least one of the character,

images, and character attributes are personalized in accordance with the

personalization data ("area 126 stores parental ID data indicating who captured the

pokeman (the player's name and ID data" Col. 7 Lines 31-32), wherein the

personalization data is used as part of the interaction data ("players exchange both their ID data" Col. 4 Lines 55-64) and a flat panel display (FIG. 1).

In Reference to Claims 16, 20-22, and 41

Tajiri, as modified by Kruszewski, discloses the system of Claim 1 wherein the display is approximately the size of a playing card (Fig. 1); wherein the image content is at least one of a motion image sequence, a still image, a group of still images and a stream of image information (Figs. 8, 18, and 19); further comprising an audio system to generate audio signals based upon audio content stored in the non-volatile memory and display controller (Fig. 3 "Sound Data Region", "audio processing program (Col. 6 Line 38), and "stores data for sound effects" Col. 6 Lines 55-59); wherein the interaction data further comprises audio content and wherein the display further comprises an audio system adapted to generate sounds based upon the audio content received by the display device (Fig. 3 "Sound Data Region", "audio processing program (Col. 6 Line 38), and "stores data for sound effects" Col. 6 Lines 55-59); and further comprising the step of transmitting the interaction data from the other of the plurality of independent electronics (to the other display devices) (Fig. 13).

5.   Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 6,253,167 to Matsuda et al. (Matsuda).

Tajiri, as modified by Kruszewski, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to disclose an interactive display device wherein the communication circuit is adapted to communicate with said other display device using network interaction; and wherein the display controller is further adapted to cause the display to present questions relevant to a character and wherein answers-to the questions are used to determine personalization data.

Matsuda teaches of sharing a virtual creature (Col. 3 Line 23) wherein the communication circuit is adapted to communicate with other display devices using network interaction (Fig. 3 "The Internet" and "These PCs are connected to the Internet 7 through Internet Service Providers" Col. 9 Lines 31-35); of a creature that asks questions e.g. if no access has been made in over a week, a message "Are you bust these days ?" is sent. Col. 16 Lines 54-57) to receive user input, and of character interaction data that is transmitted via a communication through a computer network (Fig. 6) and stored within the interactive display devices ("file downloaded and stored in the local HDD ('Hard Disk Drive') 31 (Col 10 Lines 52-63)) in order to provide a shared virtual space providing system that enables two or more users to share a virtual creature to communicate with and breed it for shaping its character (Col. 3 Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the network, question capability, and downloading and storage as taught by Matsuda into the system of Tajiri, as modified by Kruszewski, in order to provide a shared virtual space providing system that enables

two or more users to share a virtual creature to communicate with and breed it for

shaping its Page 7 character.

6.   Claims 15, 18-19, and 25-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent

Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S.

Patent Pub. No. 2003/0134460 to Forbes et al. (Forbes).

Tajiri as modified by Kruszewski, discloses a system substantially equivalent to

applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to

disclose a flexible display, an OLED display, a display using bi-stable cholesteric

materials to form images, a color display and wherein any of the non-volatile memory,

the display controller, and the communication circuit are mounted on the display.

Forbes discloses known flexible displays (Fig. 28), an OLED displays ([0039]), a

display using bi-stable cholesteric materials to form images ([0039]), color displays

([0039], wherein any of the non-volatile memory, the display controller, and the

communication circuit are mounted on the display (system performs this function; "The

driver and addressing circuits can be located on the integrated circuit chips, created by

using discrete components or fabricated during the backplane manufacturing process

directly on to the backplane substrate material" ([0042]) in order to present displays that

are more easily read ([0077]).

It would have been obvious to one of ordinary skill in the art at the time the.

invention was made to have employed the known displays and driver as taught by

Forbes into the system of Tajiri, as modified by Kruszewski, in order to present displays that are more easily read.

7.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 5,598,565 to Reinhardt (Reinhardt).

Tajiri, as modified by Kruszewski, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to disclose a passive-matrix display.

Reinhardt teaches of known passive-matrix displays used in portable electronic devices to display information to a user (Col. 1 Lines 33-42) and of a system in order to reduce the amount of power used by these displays in portable devices (Col. 1 Lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the known passive-matrix displays as taught by Reinhardt into the system of Tajiri, as modified by Kruszewski, in order to display information to a user and reduce the amount of power used by these displays in portable devices.

8.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No.

2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 6,285,420 to Mizumo et al. (Mizumo).

Tajiri, as modified by Kruszewski, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to disclose a reflective display.

Mizumo teaches of a reflective liquid crystal display (claim 4) in order to provide a display device which is smaller in size and can produce a sufficiently bright display image (Col. 2 Lines 47-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the reflective display as taught by Mizumo into the system of Tajiri, as modified by Kruszewski, in order to provide a display device which is smaller in size and can produce a sufficiently bright display image.

9.   Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 6,287,193 to Rehkemper et al. (Rehkemper).

Tajiri, as modified by Kruszewski, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to disclose a display device wherein the display controller is a non-programmable state machine and wherein the display controller comprises a non-programmable logic circuit.

Rehkemper teaches of a display device wherein the display controller is a non-programmable state machine and wherein the display controller comprises a non-programmable logic circuit ("The controller is preferably an integrated circuit chip (IC), but may be discrete logic and ancillary electronic components (Col. 4 Lines 41-43) in order to provide added functionality and enjoyment by enabling the user to interact with a plurality of game functions (Col. 2 Lines 2-23) such as the care of a virtual pet (Col. 3 Line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the non-programmable state machine and non-programmable logic circuit as taught by Rehkemper into the system of Tajiri, as modified by Kruszewski, in order to provide added functionality and enjoyment by enabling the user to interact with a plurality of game functions (Col. 2 Lines 2-23) such as the care of a virtual pet.

10.   Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 5,971,855 to Ng (Ng).

Tajiri, as modified by Kruszewski, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, as modified by Kruszewski, fails to disclose a status score and the step of determining modified interaction data comprises adjusting the status score, and the method further comprising the step of prohibiting

further interaction between the one of the plurality of independent electronic circuits and the other of the plurality of independent electronic circuits (display devices), when the status score falls below a threshold.

Ng teaches a status score ("wellness statistics" Col. 5 Line 51) and the step of determining modified interaction data comprises adjusting the status score (scores range from 0 to 100 ... each fighter begins with a health of 80" Col. 5 Lines 54-55), and further comprising the step of prohibiting further interaction between the interactive display device and other interactive display devices, when the status score falls below a threshold ("If health drops to 0, the fighter dies." Col. 5 Lines 53-54) in order to provide features of the higher priced and more complex games to be included in the less expensive units (Col. 1 Lines 25-26).

It would have been obvious to one of ordinary skill in the art at the time the Page 18 invention was made to employ the wellness statistics and prohibition of further interaction with other fighters as taught by Ng into the teachings of Tajiri, as modified by Kruszewski, in order to provide features of the higher priced and more complex games to be included in the less expensive units.

11.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2005/0071306 to Kruszewski et al. (Kruszewski) and further in view of U.S. Patent No. 5,971,855 to Ng (Ng) as applied to claims 40 and 42 above, and further in view of U.S. Patent No. 6,213,872 to Harada et al. (Harada).

Tajiri, as modified by Kruszewski and the wellness statistics and prohibition of

further interaction with other fighters of Ng, discloses a system substantially equivalent

to applicant's claimed invention. However, Tajiri, as modified by Kruszewski and Ng,

fails to disclose generating a reset signal that adjusts the status score above the

threshold so as to remove the prohibition on further interaction between the one of the

plurality of independent electronic circuits and the other of the plurality of independent

electronic circuits (display devices).

Harada teaches of generating a reset (Fig. 9 Steps $11 and $18-$22) using a

reset switch (Fig. 1 "reset switch" 131) for resetting the count value in a pedometer (Col.

2 Lines 29-37 and "cold reset" Col. 6 Line 5) (system performs the step of resetting the

status score and the step of generating modified interaction data comprises adjusting

the status score), and further comprising the step of prohibiting further interaction

between the interactive display device and other interactive display devices, when the

status score falls below a threshold (system performs this step by restoring the game

setting of the previous day (Col. 9 Lines 25-34) in order to encourage exercising by

children to get the amount of exercise required each day and to look forward to

increasing the amount of exercise to improve health (Col. 4 Lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to employ the generating of a reset signal as taught by Harada into

the teachings of Tajiri, as modified by Kruszewski and as modified by the wellness

statistics and prohibition of further interaction of Ng, in order to encourage exercising by

children to get the amount of exercise required each day and to look forward to

increasing the amount of exercise to improve health.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-43 have been considered but are

moot in view of the new ground(s) of rejection. Applicant argues that Tajiri nor any

other secondary reference fails to disclose developing image sequences and a

controller that forms an image sequence displaying the interacting characters.

Examiner agrees as these limitations are not explicit in Tajiri. Tajiri discloses the result

of character interaction and of a controller but is silent on the display of a local character

image sequence and to form a combined character image sequence based at least in

part upon the modified interaction data and the stored image content.

Kruszewski teaches of displaying a character interaction sequence for on-screen

animation of digital entities and forming combined character image sequences based at

least in part upon the modified interaction data and the stored image content and a

system with controller ([0020], Fig. 13A-C, and Fig. 16 and system 500) whereby when

characters interact e.g., in a battle embodiment "If the attack is successful, then the

target character plays its dying animation sequence that corresponds to how it was

attacked. For example, if a character was killed via an upper weapon attack it will play

its upwards dying sequence, and if the attack was a lower weapon attack, it will play its

downwards dying sequence." [0360] in order to provide an improved method and

system for on-screen animation of digital entities [0019].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the character image sequence, combined character image formation, and system as taught by Kruszewski into the teachings of Tajiiri in order to provide an improved method and system for on-screen animation of digital entities.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.
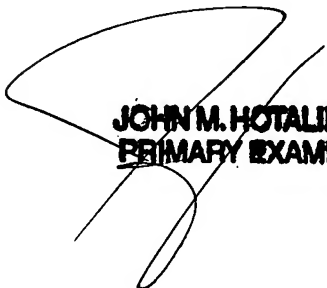
14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul A. D'Agostino whose telephone number is (571)

270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

17.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

18.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOHN M. HOTALING, II
PRIMARY EXAMINER

Paul A. D'Agostino
Examiner
Art Unit 3714